

Regular Session, 2010

SENATE BILL NO. 769

BY SENATOR CHEEK

CRIME/PUNISHMENT. Provides relative to arson and use of explosives. (8/15/10)

AN ACT

To amend and reenact R.S. 40:1563.1(A)(16) and to enact R.S. 14:51.1 and R.S. 40:1563.1(A)(17), relative to arson and use of explosives; to provide relative to injury to persons; to provide relative to injury to firefighters, law enforcement officers, and first responders; to provide for authority to make arrests; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:51.1 is hereby enacted to read as follows:

§51.1. Injury by arson

A. Injury by arson is the intentional damaging by any explosive substance or the setting fire to any structure, watercraft, or movable whereby:

(1) Any person suffers great bodily harm, or permanent disability or disfigurement as a result of the fire or explosion; or

(2) A firefighter, law enforcement officer or first responder who is present at the scene and acting in the line of duty is injured as a result of the fire or explosion.

B. Whoever commits the crime of aggravated arson shall be imprisoned

at hard labor for not less than six nor more than twenty years, and shall be
fined not more than twenty-five thousand dollars. Two years of such
imprisonment at hard labor shall be without benefit of parole, probation, or
suspension of sentence.

Section 2. R.S. 40:1563.1(A)(16) is hereby amended and reenacted and R.S.
 40:1563.1(A)(17) is hereby enacted to read as follows:

§1563.1. Authority to make arrests and carry firearms; arson task force

A. The fire marshal, the first assistant fire marshal, each deputy fire marshal,
 certified local authorities, and state or municipal arson investigators, while engaged
 in the performance of their duties as such, shall have the authority to investigate and
 cause the arrest of individuals suspected of having violated the following criminal
 laws:

* * *

(16) R.S. 14.51.1, injury by arson

~~(16)~~ **(17)** Any other criminal laws making unlawful an attempt or conspiracy
 to commit the foregoing offenses.

* * *

The original instrument was prepared by Mary Dozier O'Brien. The
 following digest, which does not constitute a part of the legislative
 instrument, was prepared by Michael Bell.

DIGEST

Cheek (SB 769)

Proposed law creates the crime of injury by arson.

Proposed law provides that injury by arson is the intentional damaging by any explosive
 substance or the setting fire to any structure, watercraft, or movable whereby:

- (1) Any person suffers great bodily injury or permanent disability or disfigurement as
 a result of the fire or explosion; or
- (2) Any firefighter, law enforcement officer, or first responder who is present at the
 scene and acting in the line of duty is injured as a result of the fire or explosion.

Proposed law provides that whoever commits the crime of injury by arson will be
 imprisoned at hard labor for not less than six nor more than 20 years, and will be fined not
 more than \$25,000. Two years of such imprisonment at hard labor will be without benefit
 of parole, probation, or suspension of sentence.

Present law provides for the authority of the fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, will have the authority to investigate and cause the arrest of individuals suspected of having violated certain criminal laws.

Proposed law retains present law and adds the crime of injury by arson as a crime that allows the fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, to investigate and arrest.

Effective August 15, 2010.

(Amends R.S. 40:1563.1(A)(16); adds R.S.14:51.1 and R.S. 40:1563.1(A)(17))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Creates the crime of injury by arson.
2. Provides for the following penalties: imprisonment at hard labor for not less than six nor more than 20 years, and will be fined not more than \$25,000. Two years of such imprisonment at hard labor will be without benefit of parole, probation, or suspension of sentence.
3. Provides the crime of injury by arson as a crime that allows the fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, to investigate and arrest.